

FILED - GR

April 28, 2025 2:25 PM  
CLERK OF COURT  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
BY:JMW SCANNED BY: KB / 4/29

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRIAN ANDRI'E WARREN,  
PETITIONER,

DOCKET NO. \_\_\_\_\_

HON. \_\_\_\_\_

mag. — **1:25-cv-474**

Jane M. Beckering  
U.S. District Judge

V.  
CALHOUN COUNTY CIRCUIT COURT,  
RESPONDENT.

NOTICE OF REMOVAL OF CRIMINAL CASE

\*\*\* 28 U.S.C. SEC. 1443 \*\*\*

I. PARTIES

PETITIONER:

BRIAN ANDRI'E WARREN #245972, IONIA CORRECTIONAL FACILITY, 1576 W. -  
BLUEWATER HIGHWAY, IONIA, MICHIGAN 48846;

RESPONDENT:

MR. DAVID GILBERT, CALHOUN COUNTY PROSECUTOR, CALHOUN CIRCUIT COURT,  
161 E. MICHIGAN AVENUE, BATTLE CREEK, MICHIGAN 49014-4066.

II. CRIMINAL CASE TO BE REMOVED

People v. BRIAN ANDRI'E WARREN, CASE NO. 95-817-FC, CALHOUN COUNTY  
CIRCUIT COURT, HON. SARAH SOULES LINCOLN.

PENDING IN MICHIGAN SUPREME COURT:

People v. BRIAN ANDRI'E WARREN, SET CASE NO. 168288, ("motion  
FOR REHEARING UNDER ("ADA") REVIEW") pending before the SUPREME  
COURT.

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRIAN ANDRE WARREN,

DOCKET NO. \_\_\_\_\_

PETITIONER,

HON. \_\_\_\_\_

v.

MAG. \_\_\_\_\_

CALHOUN COUNTY CIRCUIT COURT,

RESPONDENT, /

NOTICE OF REMOVAL OF CRIMINAL CASE

NOW COMES, BRIAN ANDRE WARREN, PETITIONER PURSUANT TO, '28 U.S.C. 1443: CIVIL RIGHTS CASES, and does state the following:

I. CRIMINAL CASE TO BE REMOVED

1. People v. BRIAN ANDRE WARREN, CASE NO. 95-817-FC, 3TH CIRCUIT COURT, 161 E. MICHIGAN AVENUE, BATHE CREEK, Michigan 49014-4066.

II. TITLE II OF THE AMERICANS WITH DISABILITY ACT ("ADA")

2. PURSUANT TO, 42 USC. 12101(a)(4), EQUAL CIVIL RIGHTS ARE PROTECTED. PETITIONER IS SUFFERING FROM A "PERSONALITY DISORDER". PERSONS SUFFERING FROM A PERSONALITY DISORDER MAY ALSO BE CONSIDERED DISABLED FOR PURPOSES OF THE ADA. "CENSKE V. County of MARQUETTE, 2013 U.S. DIST. LEXIS 118686 at \*12 (WEST. DIST. OF MICHIGAN, 4/25/13).

3. AN INDIVIDUAL WITH A DISABILITY CANNOT BE DISCRIMINATED AGAINST BY A PUBLIC ENTITY. 42 USC. 12131(1)(A)-(B), AND 12131(2). THIS INCLUDES "THE LEGISLATIVE AND JUDICIAL BRANCHES OF STATE AND LOCAL GOVERNMENTS." 28 C.F.R. pt. 35, App. B. PETITIONER IS DENIED AND CANNOT ENFORCE 42 USC. 12101(a)(4) IN THE COURTS OF MICHIGAN, AND DOES HEREBY SEEK REMOVAL OF HIS CRIMINAL CASE. THIS RIGHT IS UNDER REVIEW PENDING IN, People v. BRIAN WARREN, (SGT. NO. 168288) (MICH. SUP. COURT)

### III. DISABILITY AND DISCRIMINATION

4. ON (8/11/95), DR. BARRY MINTZES, LICENSED PSYCHOLOGIST, ISSUED A "COMPETENCY TO STAND TRIAL AND CRIMINAL RESPONSIBILITY REPORT" THAT GAVE NOTICE TO THE COURT AND PROSECUTOR THAT DEFENDANT IS SUFFERING FROM A "PERSONALITY DISORDER."

5. THE COURT DID NOT PROVIDE, BRIAN WARREN, WITH ANY MEDICAL TREATMENT AND ACCOMMODATIONS TO ASSIST HIM IN PARTICIPATING IN HIS JURY TRIAL, WHERE HE WAS CONFUSED, MENTALLY STRUGGLED WITH REALITY WHERE HE SAT AND DRAWN CARTOON CHARACTERS THAT SAID HELP ME DURING THE ENTIRE JURY TRIAL THAT DEFENSE COUNSEL, DAVID BARNETT, TOOK AND SHOWED THE JUDGE WHO DID NOTHING BUT SMILE WITH COUNSEL AND LAUGH.

6. ON (6/30/95) OR ABOUT, DEFENDANT WAS EVALUATED BY A, DR. STEPHEN NORRIS, CENTER FOR FORENSIC PSYCHIATRY, FOR, "COMPETENCY TO STAND TRIAL, AND CRIMINAL RESPONSIBILITY."

7. STILL TO THIS DATE CONTRARY TO MCL. 330.2030(1), THIS DEFENDANT HAVE NOT HAD ANY COMPETENCY HEARING BEFORE ANY COURT. SEE, I.E. PEOPLE V. LOWE, 41 MICH. APP. 310, 199 NW2D 871 (1972).

8. ON (9/5/95), DR. BARRY MINTZES, TESTIFIED AS AN EXPERT FOR BRIAN WARREN, AND INFORMED THE COURT THAT MR. WARREN IS SUFFERING FROM A "PERSONALITY DISORDER" AND "IMPULSE DISORDER." (JTT. VOL. 7, PG. 17-30, DATE: 9/5/95)

9. ON (9/5/95), ON CROSS-EXAMINATION BY, JOHN HALLACY, DR. MINTZES, STATED IN PERTINENT PART AS FOLLOWS:

"THE PROBLEM ARE SOME DEGREE OF CONFUSION WITH RESPECT TO ONE'S THOUGHT PROCESS."

JTT. VOL. 7, PG. 35-36, DATE: 9/5/95

10. On (9/28/95), LINDA MARKIE, Probation Agent, Cathoun County Probation, INTERVIEWED, DEFENDANT REGARDING her preparation of a, PRESENTENCE INVESTIGATION Report.

11. DEFENDANT IMMEDIATELY INFORMED MS. MARKIE, "that he has not had a competency hearing, was having a hard time with his thoughts, didn't understand what happened at trial where he could only draw cartoon characters, had heard voices that had him unable to focus, and requested to be seen by a psychologist."

12. MS. MARKIE, REPLIED ANGRY AND BERATED DEFENDANT STATING IN PERTINENT PART:

"I do not CARE ABOUT your personality disorder and what you're going through. IT'S ALL YOUR FAULT. NO, YOU'RE NOT GOING TO GO TALK TO A psychologist. You should have sought medical help sooner, you might not be in this mess. I'm going to contact the JUDGE AND ASK him to give you the harshest PENALTY BECAUSE OF YOU CLAIMING TO SUFFER FROM A PERSONALITY DISORDER. WHO CARES IF YOU ARE COMPETENT OR NOT. YOU GETS NOTHING FROM US. WATCH AND SEE what the JUDGE do."

13. following the above, on (9/28/95), MS. LINDA MARKIE, signed a, PRESENTENCE INVESTIGATION Report, stating in PERTINENT PART AS follows:

"Now the DEFENDANT states that he needs counseling. If he had sought counseling when his wife REQUESTED him to, the fateful evening would not have ended so tragically. Society must be protected from individuals such as BRIAN ANDRE WARREN. A prison term is mandated."

(PSI, AT EVALUATION & PLAN, PG. 2, DATE: 9/28/95)

14. MS. MARKIE, further stated in the PSI, in PERTINENT PART AS follows:

"HE STATED HE FEELS HE NEEDS COUNSELING BECAUSE HE HEARS VOICES, HAS ANXIETY ATTACKS, AND MOOD SWINGS."

(PSI, AT PHYSICAL & MENTAL HEALTH, PG. 9, DATE: 9/28/95)


15. THE COURT IN DISCRIMINATING WITH MS. MARKIE, AGAINST THE DEFENDANT FOR HIS REQUEST FOR IMMEDIATE MEDICAL ATTENTION DUE TO HIM SUFFERING A MENTAL BREAKDOWN WITH HIS, "PERSONALITY DISORDER," PERMITTED MS. MARKIE TO INCLUDE IN THE PSI THE, "REPORTS FOR COMPETENCY TO STAND TRIAL," THAT IS PROHIBITED FROM BEING USED AGAINST DEFENDANT AT SENTENCING PURSUANT TO, MCL. 330.2030(3); MSA. 14.860(1030). PEOPLE V. CHEYRETTE, UNPUBLISHED OPINION OF (3/8/93) MICH. APP'S # 142758, IN DEN, 444 MICH. 875 (1993).

### RELIEF REQUESTED

WHEREFORE, BRIAN ANDRE WARREN, PETITIONER PRAY FOR THIS HONORABLE COURT TO REMOVE HIS CRIMINAL CASE TO THIS, UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF MICHIGAN, TO ADDRESS THE ABOVE ("ADA") VIOLATION AND TAKE CORRECTIVE MEASURES.

### VERIFICATION

BRIAN ANDRE WARREN, PURSUANT TO, 28 USC. 1746, DECLARE UNDER THE PENALTY OF PERJURY THAT THE ABOVE STATED FACTS ARE TRUE AND CORRECT.

Respectfully Submitted,  


\*  
BRIAN ANDRE WARREN #245912  
 IONIA CORRECTIONAL FACILITY  
 1576 W. BLUEWATER HIGHWAY  
 IONIA, MICHIGAN 48846

DATE: 4/23/25



BRIAN A. WARREN #20712  
IONIA CORRECTIONAL FACILITY  
1576 W. BLUEWATER Highway  
IONIA, MICHIGAN 48846

Case 1:25-cv-00474-JMB-SJB ECF No. 1, PageID 6 Filed 04/28/25 Page 6 of 6

GRAND RAPIDS MI 493

26 APR 2025 PM 4 L

FIRST-CLASS



US POSTAGE<sup>®</sup> PITNEY BOWES



ZIP 48846 \$ 000.97<sup>0</sup>  
02 7W  
0008038269 APR 24 2025

Office of the Clerk  
United States District Court  
Western District of Michigan  
Southern Division  
110 MICHIGAN STREET., NW  
GRAND RAPIDS, MICHIGAN  
49503

NEW Filing

49503-230099

